



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND MNDC MNR FF

This hearing dealt with the Landlord's Application for Dispute Resolution, made on March 26, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage to the unit, site, or property; and
- a monetary order for money owed or compensation for damage or loss;
- a monetary order for unpaid rent; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by J.W., his mother. At the end of the hearing, L.B., who was not previously announced, made submissions in response to my concerns about jurisdiction, summarized below. The Tenants attended the hearing on their own behalf. With the exception of L.B., all in attendance provide a solemn affirmation.

During the hearing, the parties confirmed the Tenants occupied the lower portion of the property. J.W., the Landlord's mother, occupied the upper portion of the property with her spouse, L.B. J.W. and L.B. confirmed during the hearing that the property is owned by the Landlord and L.B., who inherited it from a family member. The parties agreed the lower and upper portions of the property were not separated and that the Tenants shared bathroom facilities with J.W. and L.B.

Section 4(c) of the *Act* states:

This Act does not apply to...living accommodation in which the tenant shares bathroom or kitchen facilities with the owner of that accommodation...

[Reproduced as written.]

Accordingly, after careful consideration of the parties' evidence and submissions, I find that the Tenants shared bathroom facilities with L.B., an owner of the property. As a result, I find that the *Act* does not apply to the relationship between the parties. The Application is dismissed for lack of jurisdiction.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 18, 2018

Residential Tenancy Branch